

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENGE LEMO GAHANO,

Petitioner,

v.

DANIEL M. RENAUD, et al.,

Respondents.

Case No. C20-1094-MJP-MLP

ORDER

This is a 28 U.S.C. § 2241 habeas action. On July 15, 2020, Petitioner Denge Lemo Gahano (“Petitioner”) filed his initial habeas petition and an emergency motion for temporary restraining order for a stay of deportation. (Dkt. ## 1-2.) On July 16, 2020, the Honorable Marsha J. Pechman denied Petitioner’s first request for a stay of removal and directed service of his habeas petition. (Dkt. # 5.) On August 6, 2020, Petitioner filed a second motion for a stay of removal and submitted a replacement habeas petition. (Dkt. ## 7, 9.) On August 7, 2020, Judge Pechman denied Petitioner’s second request for a stay of removal. (Dkt. # 11.)

On August 10, 2020, Petitioner filed a third motion for a stay of removal (dkt. # 12), which Judge Pechman denied on August 14, 2020 due to a stay of removal previously entered by the Ninth Circuit Court of Appeals (dkt. # 15). On August 17, 2020, Respondents filed a return

1 memorandum and a motion to dismiss Petitioner's habeas petition ("Respondents' Answer").

2 (Dkt. # 16.) On October 16, 2020, Petitioner filed a reply to Respondents' Answer. (Dkt. # 22.)

3 On November 9, 2020, Petitioner filed a fourth motion for a stay of removal. (Dkt. # 25.)

4 On November 25, 2020, upon previous request by the Court for an update on Petitioner's
5 removal status, Respondents notified the Court that the Ninth Circuit terminated Petitioner's stay
6 of removal on November 2, 2020, and that Petitioner had refused to sign his travel document
7 application on November 3, 2020. (Dkt. # 27.)

8 On January 7, 2021, this Court: (1) re-noted Petitioner's habeas petition and
9 Respondents' Answer to be heard on January 29, 2021; (2) authorized the appointment of pro
10 bono counsel to Petitioner; and (3) directed Respondents to respond to Petitioner's fourth motion
11 to stay by January 29, 2021. (Dkt. # 29.) On January 8, 2021, Respondents filed a response to
12 Petitioner's fourth motion to stay. (Dkt. # 30.) On January 12, 2021, Respondents notified the
13 Court that Petitioner had again refused to sign his travel document application and that
14 Respondents were now in the process of charging him with Failure to Depart, in violation of 8
15 U.S.C. § 1253(a). (Dkt. # 31.)

16 On January 25, 2021, Petitioner filed a motion seeking leave to file a reply to
17 Respondents' response to his fourth motion to stay. (Dkt. # 32.) On January 26, 2021, this Court
18 appointed Brandon M. Stevens and Devin T. Theriot-Orr as pro bono counsel to Petitioner. (Dkt.
19 # 33.) On January 29, 2021, Petitioner himself filed a motion for extension of time requesting
20 additional time to reply to Respondents' response to his fourth motion to stay until pro bono
21 counsel was appointed. (Dkt. # 36.)

22 Based on the foregoing posture of this case, the Court hereby ORDERS:
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1 (1) Petitioner's motion seeking leave to file a reply to Respondents' response to his
2 fourth motion to stay (dkt. # 32) is GRANTED. Petitioner may file a reply on or before **March**
3 **1, 2021**. Respondents may file a surreply on or before **March 5, 2021**. The Clerk is directed to
4 re-note Petitioner's motion to stay (dkt. # 25) to be heard by this Court on **March 5, 2021**.

5 (2) Finding good cause to allow for pro bono counsel to familiarize themselves with
6 this case, and to provide additional time for pro bono counsel to seek leave to file supplemental
7 briefing if necessary, the Clerk is directed to re-note Respondents' return memorandum and
8 motion to dismiss (dkt. # 16) to be heard by this Court on **March 5, 2021**.

9 (3) Petitioner's motion for extension of time (dkt. # 36) is STRICKEN as moot as pro
10 bono counsel have now both appeared in this matter; and

11 (4) The Clerk is directed to send copies of this Order to the parties and to the
12 Honorable Marsha J. Pechman.

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14 Dated this 11th day of February, 2021.

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16 MICHELLE L. PETERSON
17 United States Magistrate Judge
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